



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/735,659	12/16/2003	Herve Le Floch	01807.002426	2846

5514 7590 01/08/2008  
FITZPATRICK CELLA HARPER & SCINTO  
30 ROCKEFELLER PLAZA  
NEW YORK, NY 10112

EXAMINER
----------

KIM, CHONG R

ART UNIT	PAPER NUMBER
----------	--------------

2624

MAIL DATE	DELIVERY MODE
-----------	---------------

01/08/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

Application No.

10/735,659

Applicant(s)

LE FLOCH, HERVE

Examiner

Charles Kim

Art Unit

2624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 18 October 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 7-11, 18-22 and 24 is/are allowed.
- 6) ☒ Claim(s) 1, 2, 5, 6, 12, 13, 16, 17, 23, 25 and 26 is/are rejected.
- 7) ☒ Claim(s) 3, 4, 14 and 15 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Response to Amendment and Arguments*

1. Applicant's amendment filed on October 18, 2007 has been entered and made of record.
2. In view of Applicant's amendment, the objection to the specification is withdrawn.
3. In view of Applicant's amendment, the 112 second paragraph rejections are withdrawn.
4. Applicant's arguments with respect to the claim rejections have been considered but are moot in view of the new ground(s) of rejection below.

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1, 2, 5, 6, 12, 13, 16, 17, 23, 25, 26 are rejected under 35 U.S.C. 102(e) as being anticipated by Narayanaswami et al., U.S. Patent Application Publication No. 2003/0011684 (hereinafter "Narayanaswami").

Referring to claim 1, Narayanaswami discloses a method of inserting a message in an image, the message comprising binary symbols which are each referenced by an index, comprising, for a coefficient of the image, the steps of:

determining a watermarked value of the coefficient, according to the binary value of a symbol of the message and according to the index of the symbol in the message, wherein the index of the symbol is determined from a value of the coefficient of the image [page 6, pars. 53-60 and fig. 5. Narayanaswami explains that a watermarked value of a image coefficient is determined by determining the values  $SR(I,J)$ ,  $SG(I,J)$ , and  $SB(I,J)$  for the three color components of a color source image coefficient  $S(I,J)$ . These values are then used as an index for the three corresponding binary LUT's, which include binary values of symbols of a message, to determine the extracted watermark value  $EW(I,J)$ .], and

inserting the watermarked value in place of the value of the coefficient [page 6, pars. 53-60 and fig. 5].

Referring to claim 2, Narayanaswami further discloses that the watermarked value is selected from a range of values determined around the value of the coefficient according to a psycho-visual model [par. 59].

Referring to claim 5, Narayanaswami further discloses that the insertion of the binary symbols is carried out on the value of the luminance (intensity) of the pixels of the image [par. 62].

Referring to claim 6, Narayanaswami further discloses that the index of the symbol is automatically determined in accordance with the coefficient of the image [pars. 56-58].

Referring to claim 12, see the rejection of at least claim 1 above. Narayanaswami further discloses a device for performing the method of claim 1 above [fig. 1].

Referring to claim 13, see the rejection of at least claim 2 above.

Referring to claim 16, see the rejection of at least claim 5 above.

Referring to claim 17, see the rejection of at least claim 6 above.

Referring to claim 23, Narayanaswami further discloses that the determination and insertion means are incorporated in a microprocessor, a read only memory containing a program for processing the data, and a random access memory containing registers adapted to record variables modified during the execution of the program [fig. 1].

Referring to claim 25, see the rejection of at least claim 1 above. Narayanaswami further discloses an apparatus [fig. 1] for processing a digital image, comprising means adapted to implement the method according to claim 1.

Referring to claim 26, see the rejection of at least claim 12 above. Narayanaswami further discloses an apparatus [fig. 1] for processing a digital image, comprising means adapted to implement the method according to claim 12.

***Allowable Subject Matter***

6. Claims 3-4, 14-15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. Claims 7-11, 18-22, 24 are allowed.

***Conclusion***

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles Kim whose telephone number is 571-272-7421. The examiner can normally be reached on Mon thru Thurs 8:30am to 6pm and alternating Fri 9:30am to 6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bhavesh Mehta can be reached on 571-272-7453. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Application/Control Number:  
10/735,659  
Art Unit: 2624

Page 6

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Charles Kim  
Patent Examiner  
Art Unit 2624  
[chongr.kim@uspto.gov](mailto:chongr.kim@uspto.gov)

December 31, 2007



**BHAVESH M. MEHTA**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 2600**